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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,732	12/11/2001	Raymond M. Fallon	18133-089	5405
7590	04/06/2004		EXAMINER	
Thomas M. Sullivan, Esq. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. One Financial Center Boston, MA 02111			GOINS, DAVETTA WOODS	
			ART UNIT	PAPER NUMBER
			2632	
			DATE MAILED: 04/06/2004	
				7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Davetta W. Goins	
	10/016,732	FALLON ET AL.	
	Examiner	Art Unit	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 27-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 27-56 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor et al. (US Pat. 5,958,054) in view of Quigley (US Pat. 6,583,720 B1).

In reference to claims 27-29, 34-36, 39, 40, 41, 47-51, 56, O'Connor discloses the claimed method of programming the backup power supply through computer software operating on the computer to enable the alarm during at least a first predetermined time period in response to detection of the occurrence of an event, which is met by a computer system 200 including an emulated UPS for ensuring delivery of a reliable power supply to the computer system 200 as well as a portable computer system 500 for receiving backup power supply via a serial port to an UPS emulation program 700 (col. 3, lines 36-60; col. 7, lines 53-67; col. 8, lines 40-51). The computer system 500 includes a power management chip set 538 as well as a real time clock 540 connected to the I/O controller 575 and the power management chip set 538 so that time events or alarms are transmitted to the power management chip set 538. The real time clock 540 is typically programmed to generate an alarm signal at a predetermined time (col. 7, lines 63-67; col. 8, lines 1-4). Further, the emulated UPS generates a low battery notification, determining a voltage on the AC power line at which a low AC signal is to be generated, and a command to set an allowed time duration to allow AC line voltage before a low AC signal is generated (col. 10,

lines 1-17). Although O'Connor does not specifically disclose the claimed audible alarm or backup power supply through the computer software to disable the alarm while the backup power supply is operational during at least a second predetermined time, he does disclose an I/O that will allow the operator to program when the alarm should operate (col. 7 lines 63-67; col. 8, lines 1-4; col. 10, lines 1-17). Quigley discloses an LED light that's illuminated upon power outage or low battery, a display in the form of an LCD display may indicate information to the consumer about the system; a buzzer 70 may be used to alert the user of the loss of electricity (col. 5, lines 1-41; col. 6, lines 53-65). Quigley also discloses a console 10 connected to a plurality of sensing devices such as an electricity sensor system 24; upon loss of electricity (power) the console will determine the predetermined period, set by the consumer, in which to activate the alarm (col. 6, lines 53-67; col. 7, lines 1-17). Since O'Connor discloses a UPS device for a computer including an I/O and program 700 executing execute-software, used to determine a time to generate an alarm, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using an audible alarm as well as the programmable timer, as disclosed by Quigley, to provide a device that allows the consumer to easily set a time schedule that will alert him/her once power loss has been detected and alert him/her only at times in which the consumer will be near the computer to determine power loss and save power on the alarming device.

In reference to claims 30, 31, 42, 43, O'Connor discloses the claimed event including at least of a computer, which is met by a computer system 200 including an emulated UPS for ensuring delivery of a reliable power supply to the computer system 200 as well as a portable computer

system 500 for receiving backup power supply via a serial port to an UPS emulation program 700 (col. 3, lines 36-60; col. 7, lines 53-67; col. 8, lines 40-51).

In reference to claims 32, 33, 44-46, although O'Connor does not specifically disclose the claimed method comprising designating through the computer software at least one value that indicates, upon detection of the value, the occurrence of the event, he does disclose computer system 500 includes a power management chip set 538 as well as a real time clock 540 connected to the I/O controller 575 and the power management chip set 538 so that time events or alarms are transmitted to the power management chip set 538. The real time clock 540 is typically programmed to generate an alarm signal at a predetermined time (col. 7, lines 63-67; col. 8, lines 1-4). The emulated UPS generates a low battery notification, determining a voltage on the AC power line at which a low AC signal is to be generated, and a command to set an allowed time duration of tal low AC line voltage before a low AC signal is generated (col. 10, lines 1-17). Since O'Connor discloses an alarm given upon the loss of or detected low battery as well as an I/O to allow input for programming the device, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate within the software a value that indicates either the loss of power or low battery in order for the system to know at what point the alarm should be actuated.

In reference to claims 37, 38, 52-55, although O'Connor does not specifically disclose the claimed visual indicator coupled to one of the computer and the backup power supply, he does disclose an I/O that will allow the operator to program when the alarm should operate (col. 7

lines 63-67; col. 8, lines 1-4; col. 10, lines 1-17). Quigley discloses an LED light that's illuminated upon power outage or low battery, a display in the form of an LCD display may indicate information to the consumer about the system; a buzzer 70 may be used to alert the user of the loss of electricity (col. 5, lines 1-41; col. 6, lines 53-65). Since O'Connor discloses a UPS device for a computer including an I/O and program 700 executing execute-software, used to determine a time to generate an alarm, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using an visual alarms, as disclosed by Quigley, to visually alert the consumer of power loss has been detected and alert him/her only at times in which the consumer will be near the computer to determine power loss and save power on the alarming device.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Malmsten (US Pat. 6,229,450 B1) and Shih et al. (US Pat. 6,255,744 B1) disclosing power monitoring devices.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davetta W. Goins
Primary Examiner
Art Unit 2632


D.W.G.
March 31, 2004